

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 14 2008

at 11 o'clock and 10 min. AM.
SUE BEITIA, CLERK

PETITION FOR ABATEMENT

To: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII,
300 Ala Moana Blvd., Honolulu, Hawaii, u.S.A., [96858]

In Care Of: Court Clerk, FOR: Judge Susan Oki Mollway

FROM: Petitioner, Michael-Trent: Barnes,
In Care Of Non-assumptive Postal Service Address: 6000 N.E. 80th Ave.,
Portland, Oregon, u.S.A. [97218]

In Regards to: Warrant, Indictment, all other subsequent procedures and paper work in
Case No. 03-00502-SOM et al.,

COMES NOW, Michael-Trent: Barnes, to petition this Honorable court to

Abate the above-referenced Warrant, Indictment, etc..., on the following grounds:

1. The Warrant, Indictment, etc..., is against a MICHAEL L. BARNES and/or a MICHAEL T. BARNES, a fictitious named "person", was delivered into my hands in the month of October 2003 C.E. As a prudent man being held in restraint who feared out rightly just ignoring said legal fiction, which might well of resulted in a more coercive procedures being used against me, and I being unlearned in your law and legal procedures. I requested assistance of counsel, the counsel which was provided was faulty! I declared to the court and alleged counsel, that the "name" was wrong which appeared upon the documents, from the beginning, but this fundamental and blatant error has never been corrected, and as such has worked as a restraint upon my liberty, by denying due process, and has led to my subsequent claims of "Fraud" in this matter.

2. That those instruments were served on or delivered to me, is evidence that this is a case of misnomer or mistaken identity. The instrument(s) are against a fictitious person's name, "MICHAEL L. BARNES", or a "MICHAEL T. BARNES", being an Ens Legis, Juristic Person(s). I have told the court and its agents multiple times that My given, Christian name is "Michael-Trent" with the initial letters capitalized as required by the Rules of English Grammar for the writing of names of natural persons. My patronymic, family name or surname is "Barnes", with the initial letter capitalized. The warrant, indictment, etc..., clearly did not ever name me but did name artificial creations of law.
3. If the complainant or accuser has any complaint/claim or argument against me, He/She shall bring said complaint/claim or accusation against my real name. My objection herein will make it possible for the complainant or accuser to issue a better writ, which is the primary purpose of matters in abatement. Also this will allow me to stop making claims of "Fraud" in this matter, as my true and correct name will then appear in this alleged case.
4. I am who I say I am, not who the alleged prosecutor says I am!
5. This is by content, grounds, intent and definition is a petition in abatement, and not a plea in bar; and may not be construed as a motion for dismissal or for mere amendment of the instruments. It may be justly resolved only by abatement by the court.
6. Constructive Notice: When a petition for abatement is before a court, that court is charged with, according to, (cause to conform, agree, or harmonize with) the defendant/petitioner the benefit of the doubt. Also, courts should take cognizance of the law that provides: Where conditions for its issuance exists abatement is a matter of right, not discretion; The misnomer or mis-description of a party, the petitioner, is ground's for abatement; and grounds for abatement are the same for equity and law cases.
7. Further, "laches" and "lapse in time" are not applicable as I have been claiming "Fraud" because of this misnomer and/or intentional misidentification, I herein apologize for my ignorance of the correct procedure in my previous request(s) for abatement through the past filings and declarations of my correct name and status before this court.
8. I herein advise this Honorable court and Judge Susan Oki Mollway, that in the absence of the granting of my petition for abatement, thereby placing my true and correct name upon the court documents. One shall assume that all Acts, Actions, Judgements, Orders, are Null and Void ab initio. Any further restraint upon my liberty without even a "Lawful Arrest Warrant" shall be considered a "Private Act" with no lawful authority or force behind it.

FURTHER I SAYETH NOT, henceforth I shall remain mute.

Michael-Trent: Barnes, Sui Juris
Michael-Trent: Barnes, Secured Party/Creditor